

44. (Previously Presented) The method of claim 38 further comprising a lubricating strip carried by said housing.

REMARKS

Claim Status

Claims 22, 28, 38, 39, 43 and 44 are pending in the present application. No additional claim fee is believed to be due. Claims 1-21, 23-27, 29-37 and 40-42 have been previously cancelled.

Claims 22 and 38 have been amended to add the limitation, “wherein said non-contiguous slots are capable of setting different exposures, angles, and spans of said blades relative to each other.” Support for these claim amendments is shown in Fig. 12, for instance, and at page 5, lines 24-30 of the specification.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order.

Rejection Under 35 USC §103(a) Over Francis in view of Jacobson and Apprille

Claims 22, 28, 38, and 43 are rejected under 35 USC §103(a) as being unpatentable over Francis (US Patent No. 4,868,983) in view of Jacobson (US Patent No. 4,378,634) and Apprille (US Patent No. 5,661,907). Applicant traverses this rejection.

Francis, whether taken together or separately with Jacobson or Apprille, disclose Or suggest ... the steps, in the order of ... providing a housing ... providing a plurality of elongated metal razor blades...providing a first plastic block having non-contiguous slots ... providing a second plastic block having non-contiguous slots ... securing said first longitudinal ends in said slots in said first plastic block and said second longitudinal ends in said slots in said second plastic block ... and said blades and blocks provide an integrated blade subassembly, *wherein said non-contiguous slots are capable of setting different heights, angles, and spans of said blades relative to each other ... and inserting said integrated subassembly into the rectangular recess wherein said guard member is in*

front of said blades ... as recited in Applicant's newly amended base Claim 22 and similarly in base Claim 38 (emphasis added).

The Office submits that Francis does not set exposures, angles, or spans that are different from each other.

Jacobson is cited by the Examiner to show non-contiguous slots and plastic blocks. Nowhere does Jacobson describe or suggest that his slots 16 are part of an integrated blade subassembly of blades and blocks as recited in Applicant's Claim 1 and thus Applicant argues one of skill in the art would not readily combine these two different structures. Where Jacobson's slots are clearly integrated with the housing such an arrangement clearly teaches away from Applicant's invention where the non-contiguous slots are in blocks and blades are secured in the slots, the blades and blocks providing an integrated subassembly (as recited in Applicant's Claim 1) prior to insertion into said housing.

The Office cites Apprille as teaching having different spans (col. 4, lines 15-20). Applicant argues that Apprille does not teach blocks or slots as recited in Applicant's claims and thus Apprille lacks a teaching of how to modify slots to change spans. Applicant asserts that the Apprille disclosure does not teach or suggest the novel use of "non-contiguous slots ... setting different exposures, angles, and spans of said blades relative to each other ... as recited in Applicant's newly amended Claims 22 and 38. Furthermore, Applicant asserts that one of skill in the art would not readily modify Francis or Jacobson to set the slots for providing different spans based on the teaching in Apprille.

Despite what appears to the Office to be a simple modification, Applicant contends that the fact that the Office states that the prior art may be combined or modified does not make the modification obvious. Applicant contends that, clearly, the cited references, do not teach or suggest how to combine or modify features of the references, (that teaching coming from the instant invention itself), sufficient enough to have made the claimed invention obvious to one of ordinary skill in the art.

Moreover, the Office submits the prior art uses “non-slot elements to set the exposure.” Applicant would add that, in addition to the prior art not utilizing slots for exposure-setting, the prior art does not utilize slots to set the spans and angles, as evidenced by the lack of teaching provided in the prior art.

Accordingly, Applicant argues that neither Francis alone nor the combination of Francis, Jacobson and Apprille establish a *prima facie* case of obviousness under 35 USC §103(a) because they do not teach or suggest all of the claim limitations of independent claims 22 or 38.

Thus, claims 22 and 38 are patentable over the combination of Jacobson and Francis. For at least these reasons, dependent Claims 28 and 43 are also patentable over the cited references under 35 USC §103(a) and Applicant contends the rejection should be withdrawn.

Rejection Under 35 USC §103(a) Over Francis and Santhagens Van Eibergens

Claims 22, 28, 38, 39, 43 and 44 are rejected under 35 USC §103(a) as being unpatentable over Francis (US Patent No. 4,868,983) as modified above, and further in view of Santhagens Van Eibergen (US Patent No. 6,671,961). Applicant traverses this rejection.

Furthermore, the combination of Francis and Santhagens Van Eibergens still does not provide the missing elements mentioned above since clearly neither reference describes or suggests the “non-contiguous slots ... setting different exposures, angles, and spans of said blades relative to each other... as recited in Applicant’s Claims 22 and 38.

Accordingly, neither Francis alone nor the combination of Santhagens Van Eibergen with Francis establish a *prima facie* case of obviousness because they do not teach or suggest all of the claim limitations of independent claims 22 and 38. For at least these reasons, dependent Claims 28, 39, 43 and 44 are also patentable over the cited references under 35 USC §103(a).

Accordingly, Applicant's claims 22, 28, 38, 39, 43 and 44 are patentable over Francis '983 in view of Santhagens Van Eibergen '961 under 35 USC §103(a) and this rejection should also be withdrawn.

CONCLUSION

This response represents an earnest effort to place the application in allowable, proper form and to distinguish the invention as now claimed from the applied references.

In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of the pending claims is respectfully requested.

Respectfully submitted,

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